IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 63684-M of 2006

DATE OF DECISION : 19.10.2006

Aman Kumar

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Aman Priye Jain, Advocate,
for the petitioner.

* * *

This is second petition filed by Aman Kumar petitioner under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 243 dated 20.9.2005 under Sections 333/363/376 IPC, registered at Police Station Parao (Ambala Cantt). The earlier petition filed by the petitioner was dismissed by this Court on May 29, 2006, while observing as under :-

> "In this case, the prosecutrix was gang raped by three accused including the petitioner. She was abducted from her house after putting her inside a van. Her mouth was gagged. Thereafter, she was taken to the fields across the canal where al the three accused committed rape on her. The Juvenile Justice Board as well as the Appellate Court have come to the conclusion that in case the petitioner is released on bail, there is reasonable apprehension that his release will bring him into association with co-accused Bharat Vishkarmanand and Amit Kumar, who are majors and known criminals, and likely to expose him to moral, physical or psychological danger, therefore, release of the petitioner on bail is not in the interest of justice.

After hearing the counsel for the parties, I do not find any reason as stipulated in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 to release the petitioner on bail. Though the petitioner is a juvenile but keeping in view the fact that he committed rape on the minor girl along with two other major accused, his release on bail will not only defeat the ends of justice but will also bring him into association with any known criminal or expose him to moral, physical or psychological danger.

In view of the aforesaid, I do not find any reason to grant regular bail to the petitioner.

Dismissed."

I have heard counsel for the petitioner and gone through the contents of the FIR as well as the order dated 13.4.2006, passed by Additional Sessions Judge, Ambala, whereby second application filed by the petitioner has been dismissed.

In this case, till date, the other two accused, with whom the petitioner is alleged to have committed rape on minor girl, have not been arrested. Normally, a juvenile is released on bail, but in certain circumstances, where it appears to the Court that such release is likely to bring the juvenile into association with any known criminal or expose him to moral, physical or psychological danger or that his release will defeat the ends of justice, the bail can be declined. In the instant case, there is reasonable apprehension that if the petitioner is released on bail, he will fall in the company of those persons who are known criminals.

Dismissed.

However, the trial court is directed to expedite the trial.

October 19, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**